

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF GEORGIA
STATESBORO DIVISION**

JUSTIN CLARK,

Plaintiff,

v.

BRIAN OWENS, Commissioner, Individually and in his Official Capacity; STANLEY WILLIAMS, Warden, Smith State Prison, Individually and in his Official Capacity; C/O DEAL, Smith State Prison, Individually and in his Official Capacity; C/O ERIC SMOKE, Smith State Prison, Individually and in his Official Capacity; LT. COLEMAN, Individually and in his Official Capacity; DENNIS BROWN, Warden, Hancock State Prison, Individually and in his Official Capacity; ERIC SELLARS, Hancock State Prison, Individually and in his Official Capacity; C/O GEORGE IVEY, Hancock State Prison, Individually and in his Official Capacity; C/O JARVIS PRIMUS, Hancock State Prison, Individually and in his Official Capacity; C/O MICHAEL RANSOM, Hancock State Prison, Individually and in his Official Capacity; DR. LIFT, Medical Director, Hancock State Prison, Individually and in his Official Capacity; C/O KENNETH BURNETTE, Hancock State Prison, Individually and in his Official Capacity; GREGORY MCLAUGHLIN, Warden, Macon State Prison, Individually and in his Official Capacity; DON BLAKELY, Deputy Warden, Macon State Prison, Individually and in his Official Capacity; and C/O TRACY MCINTYRE, Macon State Prison, Individually and in his Official Capacity,

Defendants.

CIVIL ACTION NO.: CV614-122

O R D E R

After an independent and de novo review of the entire record, the undersigned concurs with the Magistrate Judge's Report and Recommendation (Doc. 25), to which Plaintiff has not filed any objections. The Report and Recommendation is hereby **ADOPTED** as the opinion of the Court.

Accordingly, Plaintiff's claims filed pursuant to 42 U.S.C. § 1983 and state law against Defendants Williams, Deal, Smokes, Coleman, and Owens concerning alleged events at Smith State Prison are to be **SEVERED** from his claims against Defendants Brown, Sellers, Ivey, Primus, Ransom, Lift, Burnette, McLaughlin, Blakely, McIntyre, and Owens relating to Macon State Prison and Hancock State Prison.

For the reasons stated in the Magistrate Judge's Report and Recommendation, Plaintiff's action against Defendants Williams, Deal, Smokes, Coleman, and Owens is hereby **DISMISSED** for failure to state a claim upon which relief may be granted. The Clerk of Court is **DIRECTED** to enter the appropriate judgment of dismissal as to all claims against those Defendants.

As the Magistrate Judge correctly concluded, this Court is not the proper venue for Plaintiff's remaining claims against Defendants Brown, Sellers, Ivey, Primus, Ransom, Lift, Burnette, McLaughlin, Blakely, McIntyre, and Owens. Accordingly, the Clerk of Court is further **DIRECTED** to **TRANSFER** this case to the United States District Court for the Middle District of Georgia for disposition and to **CLOSE** this case.¹

¹ On May 20, 2015, the Court received a letter from Plaintiff inquiring as to whether an order of transfer would require him to refile his Complaint in the designated forum. Dkt. No. 27. Consistent with the Court's directive herein, the Clerk of Court will effectuate the transfer of Plaintiff's cause of action, and Plaintiff need not refile at this time.

SO ORDERED, this 29th day of May, 2015.



HONORABLE J. RANDAL HALL
UNITED STATES DISTRICT JUDGE
SOUTHERN DISTRICT OF GEORGIA